

Exhibit

m

makes a superficial and categorical type of Notice, Plaintiff could not be expected to adequately assure he is/was prepared with documentation. And it is not fair to expect him to provide everything he has when it could well not even be relevant to the question(s).

4. Moreover, the Plaintiff was not served with a Court Order granting the Defendant Leave to depose him. To wit:

A party must obtain leave of court, which shall be granted to the extent consistent with the principles stated in Rule 26(b)(2), if the person to be examined is confined in ~~prison~~ or if, without the written stipulation of the parties.

Fed. Rules of Civil Procedure, Rule 30(a)(2). (Emphasis and bold added).

5. But, notwithstanding the above, the timing of the "Notice" is clearly prejudicial to Plaintiff. The date on the faxed copy received here at the prison is May 02, 2005. (See: Ex. A). And, Plaintiff received the Notice on May / 5th /, 2005; not leaving anything even resembling adequate time to prepare for the Deposition.

6. Also, the date picked for same shows that the Defendant is/was attempting to abuse the Civil Procedures; as it was the day prior to Magistrate Judge Baxter's original May 6, 2005 cut-off for certain materials being filed of the Court. And as a deposition (oral) is to afford the other party an opportunity to ask questions also, Plaintiff would never have been able to properly assimilate the materials into his court filings.

7. Which is additional support for the Plaintiff's pending Motion for a ninety (90) day extension for discovery purposes.

Not to mention that Plaintiff did not have the assistance of an attorney or any other person to help him with the questions asked. Nor did he have an opportunity to ask questions of his own.

8. Finally, Plaintiff also files these Objections as the Defendant informed him that the Deposition would resume later. To date, this has not transpired, but Plaintiff has no further desire or intent to be deposed without a Court Order directing same. If the Court should grant leave for further deposing, Plaintiff respectfully seeks the Court to require the Defendant to submit an exhibit with the scope and sample questions for Plaintiff to review prior to the deposition recommencing.

9. Also, Plaintiff respectfully submits the Court should revisit his Motion for Appointment of Counsel; or direct the Defendant to make provisions for a fellow prisoner to accompany Plaintiff to help explain the inquiries and possibly help determine if they are proper.

10. WHEREFORE PETITIONER PRAYS, that this Honorable Court will enter a Stay of the Defendant's Deposing of Plaintiff until the above set forth Objections are cured.

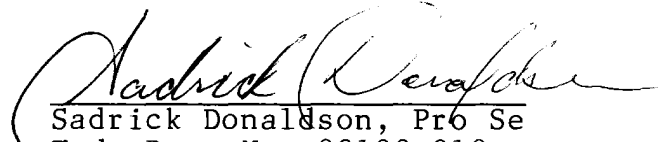
Respectfully Submitted,



SADRICK DONALDSON, Pro Se
Fed. Reg. No. 20120-018
FCI Allenwood (Medium) Unit 4-B
P.O. Box 2000
White Deer, PA 17887-2000

DECLARATION

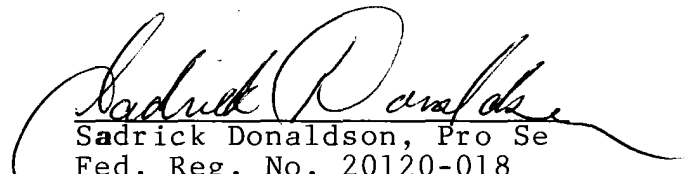
I, Sadrick Donaldson, hereby declare and affirm, under the penalty of perjury pursuant to 28 U.S.C. §1746(2), that the foregoing pleading is true and correct to the best of my knowledge and recollection, this 5th day of June, 2005.


Sadrick Donaldson, Pro Se
Fed. Reg. No. 20120-018
FCI Allenwood (Medium)
P.O.Box 2000, 4-B
White Deer, PA 17887-2000

CERTIFICATE OF SERVICE

I, Sadrick Donaldson, hereby certify that a true and correct copy of the foregoing pleading was served, by first-class postage prepaid placement in the institutional legal mailbox, this 5th day of June, 2005, addressed to:

- | | |
|---|--|
| 1. Clerk of the Court
U.S.D.C. for W.D. PA
Fed. Bldg. & U.S. Cthse.
617 State Street
Erie, PA 16501 | 2. Paul E. Skirtich
Asst. U.S. Attorney
U.S.P.O. & Cthse.
700 Grant St., Ste. 400
Pittsburgh, PA 15219 |
| 3. Roberto Gonzalez
Attorney General of U.S.
Main Justice Building
Tenth & Constitutional Ave., N.W.
Washington, DC 20530 | |


Sadrick Donaldson, Pro Se
Fed. Reg. No. 20120-018
FCI Allenwood (Medium)
P.O. Box 2000, 4-B
White Deer, PA 17887-2000

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

SADRICK DONALDSON,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 04-257E
)	
)	Magistrate Judge Baxter
UNITED STATES OF AMERICA,)	Judge McLaughlin
)	
Defendant.)	

NOTICE OF TAKING DEPOSITION

TO: Sadrick Donaldson
Register No. 20120-018
FCI Allenwood
P.O. Box 2000, 4-B
White Deer, PA 17887-2000

PLEASE TAKE NOTICE that defendant, United States of America, shall take the deposition upon oral examination of Sadrick Donaldson, at 11:00 a.m. on May 5, 2005, at FCI Allenwood, Route 15N, Lewisburg, PA 17887.

The said deposition shall be used for discovery in the trial of the above case, and the same shall be taken before an officer authorized to administer oaths by law and to take testimony. You are hereby notified to attend, to bring any and all original or copies of documents relevant to your lawsuit and to participate in the deposition as shall be proper.

Ex. A-1

If the foregoing deposition is not commenced or if the same is commenced but not completed on the day aforesaid, such deposition will be adjourned and continued from time to time until completed, without further notice other than oral proclamation at the place above stated.

Respectfully submitted,

MARY BETH BUCHANAN
United States Attorney



PAUL E. SKIRTICH
Assistant U.S. Attorney
Western District of PA
700 Grant Street, Suite 400
Pittsburgh, PA 15219
(412) 894-7418
PA ID NO. 30440

cc: Diana Lee

Ex. A-2